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**AUG 12 2004**

**OFFICE OF PETITIONS**

In re Application of  
Massimo Malini  
Application No. 10/771,905  
Filed: February 4, 2004  
Attorney Docket No. BUGZ2 00215

ON PETITION

This is a decision in response to the paper styled "Petition to Reinstate First Filing Date", filed July 28, 2004 and treated under 37 CFR 1.53, requesting a filing date of February 4, 2004.

The petition under 37 CFR 1.53 is **GRANTED**.

The instant application was deposited with the USPTO on February 4, 2004. On May 4, 2004, the Office of Initial Patent Examination mailed a "Notice of Incomplete Application" indicating that the application was deposited without a specification or drawings and which set a two (2) month shortened statutory period for reply.

In response, on May 12, 2004, *inter alia*, a specification and three (3) sheets of drawings were submitted. As indicated in the Notice mailed May 4, 2004, the filing date accorded the application was the date of receipt of the specification and drawings.

Comes now petitioner with a copy of a postcard receipt date-stamped by the USPTO on February 4, 2004. Because the return postcard receipt date-stamped February 4, 2004 properly itemizes the contents of the application package in accordance with MPEP § 503, the Office concludes that a specification and three (3) sheets of drawings were filed on February 4, 2004 with the application papers but that the specification and drawings were misplaced in the office. Further, the postcard receipt lacks any notation of non-receipt of any item listed. The office apologizes for any inconvenience occasioned by the loss of the drawings.

In view of the foregoing, the **petition to accord a filing date of February 4, 2004** will be accorded this application. The petition fee in the amount of \$130.00 will be credited to petitioner's deposit account no. 06-0308 as no fee is due.

This file is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of February 4, 2004 using the specification and three (3) sheets of drawings supplied on May 12, 2004.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (703) 305-4497.

Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions